



PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

13333333

Application Number

10/763,879

Filing Date

01/23/2004

First Named Inventor

Donald L. Payne

Art Unit

3637

Examiner Name

Tran, Hanh Van

Attorney Docket Number

Payne

**ENCLOSURES (Check all that apply)**☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/  
Incomplete Application☐Reply to Missing Parts  
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a  
Provisional Application☐Power of Attorney, Revocation  
Change of Correspondence Address☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

Remarks

☐

After Allowance Communication to TC

☐Appeal Communication to Board  
of Appeals and Interferences☐Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☐Other Enclosure(s) (please identify  
below):**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

PATENT SERVICES

Signature

Printed name

Mark Clodfelter

Date

April 23, 2007

Reg. No.

34,564

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Mark Clodfelter

Date

April 23, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Donald L. Payne  
For: CABINET DOOR WITH CHANGEABLE  
DECORATIVE PANEL  
Application number: 10/763,879  
Filed: 01/23/2004  
Docket no: Payne  
GAU: 3637  
Examiner: Tran, Hanh Van

AMENDMENT UNDER 37 CFR 1.111

The office action mailed 01/23/2007 has been carefully considered,  
and Applicant responds as follows:

REMARKS

REJECTIONS UNDER 35 USC 102

Claims 17 - 18 are rejected over the reference to Hill, which discloses a "metallic window screen" wherein "the sides 1 and upper and lower ends 2 are separate pieces, formed alike, and may be cut, with mitered ends, from a continuous length" (column 2, lines 6-8). As such, there is no difference whatsoever between the upper and lower frame members and the side members. In contrast, Applicant's "upper frame member and lower frame member" are distinctly different in that one of Applicant's upper and lower frame member has "a slot extending between an inner edge an outer edge thereof, with a groove along said outer edge communicating in parallel relation with said slot". No such claim element is found or suggested in the reference to

Hill. Claims 17-18 further require that the opposed one of the upper and lower frame members be provided with "a recess along an inner side thereof, and opposed notches at lower outer regions of said recess". Again, no such claim element is found or suggested in the reference to Hill. Claims 17-18 also require that the decorative panel analogous to a screen in Hill be provided with "a first tubular loop" and "a second tubular loop" at opposed ends, the loops extending an entire width of the panel, with "one of said first tubular loop of said second tubular loop removably extending straight through said slot and resides in said groove". There is no such structure found in Hill. Rather, the panel of Hill extends through a narrow slot to the interior of the respective frame member where a bead is formed along the edge of the panel and a tube is fitted over the bead. In contrast, Applicant's panel as claimed extends completely through the frame member from the inner edge to the outer edge and into a groove along the outer edge of the frame member. At that point, a "first dowel pin" is inserted through the loop to secure the sheet panel in place within the groove. Thus, Applicant's structure at this end of the frame is completely different and functions in a different manner than the structure of Hill.

At the opposite end of the frame a second dowel pin extends through the other loop, with ends of the second dowel pin "engaging said opposed notches of said recess, thereby securing said fabric sheet panel in said recess and tensioning said fabric sheet panel between said upper frame member and said lower frame member". Again, no such structure functioning in this

manner is found in the reference to Hill, which supports the screen from an interior of the frame member using a bar with yokes, and not from “opposed notches in said recess”, the recess “along an inner side” of the frame member, as opposed to an interior of the frame member as taught by Hill.

As 35 USC 102 requires that the prior art “teach every element of the claim” (MPEP 2131), and as it is clear that this is not the case, it is respectfully requested that the rejection of claims 17-18 under 35 USC 102 be withdrawn.

#### REJECTIONS UNDER 35 USC 103

Claim 16, rejected over the references of Hill in view of Brandt, provides that one of the upper and lower frame members is provided with “a slot extending between an inner edge and an outer edge thereof, with a groove along said outer edge communicating in parallel relation with said slot, and the other of said upper frame member and said lower frame member having a recess along an inner side thereof, and opposed notches at lower outer regions of said recess, said slot, each said narrow slot and an inner surface of said recess all being coplanar”.

“a slot extending between an inner edge and an outer edge”. This structure is not found in Hill, which teaches a slot in an inner edge only. There is no suggestion or teaching in Hill that his slot extend through the frame member, as claimed by Applicant. In fact, as Hill states “the sides 1 and upper and lower ends 2 are separate pieces, formed alike” (underlining added). Were all his frame members constructed with “a slot extending between an inner

edge and an outer edge”, there would be nothing to hold the frame together, making it inoperable for its intended purpose. It would literally fall apart!

“a groove along said outer edge communicating in parallel relation with said slot”. There is no such corresponding groove in Hill. Such a groove in the claimed relationship cannot exist in Hill because the slot of Hill does not extend through the frame member to the outer edge.

“the other of said upper frame member and said lower frame member having a recess along an inner side thereof, and opposed notches at lower outer regions of said recess”. The corresponding “inside wall C” of Hill shows no such recess and notches.

Applicant’s fabric panel is constructed with a first tubular loop and a second tubular loop, one of the tubular loops “removably extending straight through said slot and resides in said groove”, whereupon “a first dowel pin inserted through the loop that extends through said slot, said first dowel pin positioned in said groove, thereby securing said fabric sheet panel in place”. In contrast, Hill forms a bead on the edge of his screen, and slides a slotted tubular bar 11 over the bead. Hill supports his bar 11 by yokes 15 and adjusting screws 14 from an interior of the frame rather than from a groove on an outer edge of the frame.

At the opposite end of the fabric panel, Applicant provides “a second dowel pin inserted through the other of said first loop and said second loop, with ends of said second dowel pin engaging said opposed notches of said recess, thereby securing said fabric sheet panel in said recess and tensioning

said fabric sheet panel between said upper frame member and said lower frame member". In contrast, Hill provides the hollow bar around the beaded screen edge and supported by yokes and adjusting screws as noted above.

It is respectfully submitted that the structure and function thereof provided by Applicant is not taught, suggested or inferred by the reference of Hill. Further, and as noted, if Hill were constructed using Applicant's limitation of "a slot extending between an inner edge and an outer edge" in combination with his own requirement that "the sides 1 and upper and lower ends 2 are separate pieces, formed alike", then the frame of Hill would be inoperable for its intended purpose as it would fall apart. As such, the frame of Hill and Applicant are incompatible with each other in construction and operation. In addition, it appears the Examiner has assembled a catalog of parts from the prior art, and is attempting to assemble them using Applicant's own disclosure as a recipe. This constitutes improper hindsight reconstruction. The addition of Brandt, which is used to show a structure made of wood, does nothing to cure the deficiencies noted above. As such, it is respectfully requested that the rejection under 35 USC 103 be withdrawn.

## CONCLUSION

As the case appears to be in condition for allowance, and in the absence of any other prior art, favorable action is respectfully requested.

By: 

Mark Clodfelter, Agent of Record  
Registration number: 34,564  
Customer number: 20115  
555 Sparkman Drive  
Suite 1602D  
Huntsville, Ala. 35816  
Tel. (256) 895-8339